

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIM. CASE NO. 12-20462-4

v.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ANTHONY HUTCHISON,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR
RELEASE FROM CUSTODY PENDING SENTENCING**

On June 18, 2013, Defendant filed the instant motion. On June 28, 2013, the Government filed a Response in Opposition. Defendant seeks release to meet his 7 month old son who was born September 25, 2012 before he is sentenced to incarceration.

On January 14, 2013, Defendant pled guilty to one count of bank robbery under 18 U.S.C. § 2113(a), and one count of aiding and abetting using or carrying a firearm during and in relation to a crime of violence (the bank robbery) under 18 U.S.C. § 924(c). The Court accepted the pleas, and sentencing is set for August 14, 2013.

Title 18 U.S.C. § 3134(a)(2) states that in order to be released pending sentencing after being found guilty of an offense for which the maximum sentence is life imprisonment or death (defendant's two plea convictions qualify), a defendant must show that a motion for acquittal or new trial will be granted, or that the Government has recommended that no sentence of imprisonment be imposed, and that the Court finds by clear and convincing evidence that Defendant is not likely to flee or pose a danger to any other person or the community.

In the instant case, Defendant has pled guilty, so (A)(I) is not applicable, and the Government has not recommended against any sentence of imprisonment, so (A)(ii) is not applicable. Further, the Court finds that given the Defendant's significant criminal history, including escape from custody, and absconding from parole, Defendant is both likely to flee and to pose a danger to the community.

Accordingly, Defendant's Motion for Release from Custody Pending Sentencing is DENIED.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 2, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 2, 2013.

s/Deborah R. Tofil
Deborah R. Tofil
Case Manager (313) 234-5122